

1 NICHOLAS STROZZA, ASSISTANT U.S. TRUSTEE  
2 State Bar #CA 117234  
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10 Attorneys for Acting United States Trustee  
11 August B. Landis

12  
13 UNITED STATES BANKRUPTCY COURT  
14  
15 DISTRICT OF NEVADA

16  
17 In re: ) Case no: BK-N-13-50844-BTB  
18 ) Chapter 11  
19 THE HOLDER GROUP )  
20 SHARKEY'S, LLC, ) US TRUSTEE'S OBJECTION TO  
21 ) DEBTOR'S DISCLOSURE STATEMENT  
22 )  
23 ) Hearing Date: September 12, 2013  
24 ) Hearing Time: 10:00 a.m.  
25 ) Est. Time Req.: 15 min.  
26 Debtor. )

27  
28 The Acting United States Trustee ("US Trustee") hereby objects to approval of the  
Debtor's proposed disclosure statement.

The US Trustee represents that the disclosure statement should not be approved because  
the Debtor is delinquent in the payment of the quarterly fees and therefore it does not provide  
adequate information as required by 11 U.S.C. § 1125.

This Objection is made pursuant to 28 U.S.C. §§ 586(a)(3)(B) and 1930, 11 U.S.C. §  
1125, the following points and authorities, all pleadings and papers on file herein and any  
argument to be presented at the hearing on this matter.

## POINTS AND AUTHORITIES

The US Trustee, pursuant to the provisions of 28 U.S.C. § 586(a)(3)(B), has standing to review and file with the Court comments with respect to disclosure statements and plans of reorganization.

The disclosure statement does not disclose that the quarterly fees for the second quarter of 2013 have not been paid and are delinquent. A current statement for the quarterly fees is attached hereto as Exhibit "A" and incorporated herein by reference. Despite the Debtor's representation that payment was sent, it has not been received. Requests for information from the Debtor regarding when, where, and how the payment was sent have not received a response.

A hypothetical reasonable investor would require the Debtor to disclose that it is not current on the payment of the required quarterly fees.

## CONCLUSION

WHEREFORE, for all the reasons stated above, the US Trustee respectfully requests the Court deny approval of the disclosure statement and grant such other relief as the Court deems proper.

DATED this 6th day of September, 2013.

Respectfully submitted,

Nicholas Strozza, State Bar # CA 117234  
William B. Cossitt, State Bar #3484  
300 Booth Street, #3009  
Reno NV 89509  
(775) 784-5335

/s/ WILLIAM B. COSSITT

Attorneys for Acting United States Trustee  
August B. Landis

1 **CERTIFICATE OF SERVICE**

2

3 1. On September 6, 2013, I served the foregoing US TRUSTEE'S OBJECTION TO

4 DEBTOR'S DISCLOSURE STATEMENT

5

6 2. I served the above-named document (by the following means to the persons as listed

7 below:

8  a. ECF System:

9

10 • STEPHEN R HARRIS [noticesbh&p@renolaw.biz](mailto:noticesbh&p@renolaw.biz); [bhpclerk@renolaw.biz](mailto:bhpclerk@renolaw.biz);  
jodie@renolaw.biz; ellie@renolaw.biz; norma@renolaw.biz

11 • STEFANIE T. SHARP [ssharp@rbsllaw.com](mailto:ssharp@rbsllaw.com), [btaylor@rbsllaw.com](mailto:btaylor@rbsllaw.com)

12 • KAARAN E. THOMAS [kthomas@mcdonaldcarano.com](mailto:kthomas@mcdonaldcarano.com),  
[mmorton@mcdonaldcarano.com](mailto:mmorton@mcdonaldcarano.com)

13 • AMY N. TIRRE [amy@amytirrelaw.com](mailto:amy@amytirrelaw.com), [admin@amytirrelaw.com](mailto:admin@amytirrelaw.com)

14 • U.S. TRUSTEE - RN - 11 [USTPRegion17.RE.ECF@usdoj.gov](mailto:USTPRegion17.RE.ECF@usdoj.gov)

15 • RYAN J. WORKS [rworks@mcdonaldcarano.com](mailto:rworks@mcdonaldcarano.com), [kbarrett@mcdonaldcarano.com](mailto:kbarrett@mcdonaldcarano.com),  
[bgrubb@mcdonaldcarano.com](mailto:bgrubb@mcdonaldcarano.com)

16  b. U.S. Mail, postage fully prepaid (list persons and addresses):

17 **I declare under penalty of perjury that the foregoing is true and correct.**

18 DATED this 6<sup>th</sup> day of September, 2013.

19 **/s/ Kimberly Flores**  
KIMBERLY FLORES

# **EXHIBIT “A”**



**Chapter 11 Quarterly Fee Information and Collection System (FICS)**  
**US Trustees, US Department of Justice**

**Account Reconciliation**

Field Office: 17 07 Reno, NV

Case #:	783-13-50844	CPC:	OCS:	Billed(\$):	4,875.00
Debtor:	THE HOLDER GROUP SHARKEY'S, LL	CDC:	CTO:	Fees(\$):	4,875.00
Opened:	04-30-13	Closed:	CNV:	Interest(\$):	0.00
				TIN:	Payments(\$): 0.00
					Principal(\$): 0.00
					Interest(\$): 0.00
					Balance(\$): 4,875.00

Quarterly Fees and Disbursements			Payments			
Quarter	Disbursements (\$)	Fee (\$)	Batch	Date	Type Code	Payment(\$)
2-2013	483,809	4,875				
Interest						

To date, there have been no interest assessment transactions posted for this account.